



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
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September 2, 2022

VIA ECF

Hon. Denise L. Cote
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Denied. The deadline to
respond to the Complaint
is extended until
October 14, 2022.
9/8/2022


DENISE COTE
United States District Judge

Re: *R.B. v. New York City Dep't of Educ.*, 22-cv-3287 (DLC)(JLC)

Dear Judge Cote:

I am a Special Assistant Corporation Counsel in the office of the Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, counsel for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs, and expenses for legal services regarding an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.* ("IDEA"), as well as for this action.

I write to respectfully request a 90-day stay of this action until December 1, 2022. Plaintiff consents to this request and has agreed to provide the needed attorney billing records no later than September 9, 2022. (Defendant's deadline to respond to the Complaint is currently September 12, 2022). On July 13, 2022, the Court granted Defendant's first request for an extension and an adjournment of the initial conference in this action (ECF No. 10). We note that, while this is an IDEA fees-only case and liability is not at issue, without the relevant billing, Defendant cannot begin its internal settlement review process, which includes seeking settlement authority from the New York City Comptroller's Office after a review of the underlying administrative record together with the relevant billing records. The parties hope to resolve this case without the need for conferences, discovery, or motion practice. Defendant has successfully settled all of the many IDEA fees-only cases brought by Plaintiff's counsel in recent years without burdening the Court with any motion practice (with the exception of one case), and we expect that this case will take that same course.

Defendant also respectfully proposes that, if a stay is granted, the parties be required to submit a joint status letter one week in advance of the pre-trial conference scheduled for October 21, 2022 informing the Court that settlement negotiations are underway.

Thank you for considering the requests set forth above.

Respectfully submitted,

A handwritten signature in blue ink, reading "Pasquale Viscusi". The signature is fluid and cursive, with the first name "Pasquale" written in a larger, more prominent script than the last name "Viscusi".

Pasquale Viscusi, Esq. (PV 8588)
Special Assistant Corporation Counsel

cc: Irina Roller, Esq. (via ECF)